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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-332

13  
14 **ANDREW DOUGLAS STEIGERT**  
15 **604 Cherry Ave., Apt. 302**  
16 **Long Beach, CA 90802**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

17 **Registered Nurse License No. 766039**

18  
19 Respondent.  
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21 **FINDINGS OF FACT**

22 1. On or about October 25, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs, filed Accusation No. 2013-332 against Andrew Douglas Steigert (Respondent)  
25 before the Board of Registered Nursing. (Accusation attached as Exhibit "A".)

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2. On or about January 27, 2010, the Board of Registered Nursing (Board) issued Registered Nurse License No. 766039 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-332 and will expire on May 31, 2013, unless renewed.

3. On or about October 25, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-332, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board. Respondent's address of record was and is: 604 Cherry Ave., Apt. 302, Long Beach, CA 90802.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On of December 20, 2012, the certified mail was returned by the United States Postal Service as "unclaimed."

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2013-332.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

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9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-332, finds that the charges and allegations in Accusation No. 2013-332, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$2,590.00 as of November 27, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Andrew Douglas Steigert has subjected his Registered Nurse License No. 766039 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action under Code section 2762(a) in that he committed unprofessional conduct when he obtained, possessed, and/or self-administered controlled substances, as follows:

1. On or about November 9, 2011, as part of his pre-employment paperwork with a new employer, Respondent was asked to list any medications he was currently taking;

2. On or about November 17, 2011, Respondent tested positive for Benzodiazepines, Oxazepam, and Nordiazepam in his pre-employment drug screen;

3. Respondent failed to return any phone calls to the new employer to discuss his positive drug test results.

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1       b.     Respondent is subject to disciplinary action under Code section 2762(b) in that he  
2 committed unprofessional conduct when he used controlled substances in a manner dangerous or  
3 injurious to himself or the public, or to an extent that such use impaired his ability to conduct with  
4 safety to the public the practice authorized by his license, as follows:

5             1.     On or about November 9, 2011, as part of his pre-employment paperwork with  
6 a new employer, Respondent was asked to list any medications he was currently taking;

7             2.     On or about November 17, 2011, Respondent tested positive for  
8 Benzodiazepines, Oxazepam, and Nordiazepam in his pre-employment drug screen;

9             3.     Respondent failed to return any phone calls to the new employer to discuss his  
10 positive drug test results.

11       c.     Respondent is subject to disciplinary action under Code section 2761(a) in that he  
12 committed unprofessional conduct when he provided falsified documents in support of his  
13 application for employment with a new employer, as follows:

14             1.     In or about November 2011, Respondent applied for employment as a  
15 Registered Nurse with a new employer;

16             2.     In support of his application for employment, Respondent provided copies of  
17 BLS, ACLS, and PALS cards with dates that appeared to be altered;

18             3.     Upon verification of the BLS, ACLS, and PALS cards by the new employer, it  
19 was determined that the cards were falsified by Respondent.

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**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 766039, heretofore issued to Respondent Andrew Douglas Steigert, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APRIL 11, 2013.

It is so ORDERED MARCH 12, 2013

  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

70665550.DOC  
DOJ Matter ID: SD2012703800

Attachment:  
Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Deputy Attorney General  
4 State Bar No. 207031  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2071  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-332

12 **ANDREW DOUGLAS STEIGERT**  
13 **604 Cherry Ave., Apt. 302**  
14 **Long Beach, CA 90802**

**A C C U S A T I O N**

15 **Registered Nurse License No. 766039**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about January 27, 2010, the Board of Registered Nursing issued Registered  
24 Nurse License Number 766039 to Andrew Douglas Steigert (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on May 31, 2013, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...

....

7. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in



1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 . . . .

5 8. Section 125.3 of the Code provides, in pertinent part, that the  
6 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to  
7 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
8 reasonable costs of the investigation and enforcement of the case.

9 9. Section 482 of the Code states, in pertinent part:

10 Each board under the provisions of this code shall develop criteria to evaluate the  
11 rehabilitation of a person when:

12 . . . .

13 (b) Considering suspension or revocation of a license under Section 490.

14 Each board shall take into account all competent evidence of rehabilitation furnished by the  
15 applicant or licensee."

#### 16 COST RECOVERY

17 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

#### 21 DRUGS

22 11. **Benzodiazepine** is a Schedule IV controlled substance pursuant to Health and Safety  
23 Code section 11057(d) and a dangerous drug per Business and Professions Code section 4022.  
24 Generally, benzodiazepines act as hypnotics in high doses, anxiolytics in moderate doses, and  
25 sedatives in low doses.

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12. **Oxazepam** is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d) and a dangerous drug per Business and Professions Code section 4022.

Oxazepam is used to relieve anxiety, including anxiety caused by alcohol withdrawal (symptoms that may develop in people who stop drinking alcohol after drinking large amounts for a long period of time). Oxazepam is in a class of medications called benzodiazepines. It works by slowing activity in the brain to allow for relaxation.

13. **Nordiazepam** is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d) and a dangerous drug per Business and Professions Code section 4022.

Diazepam is a tranquilizer (trade name Valium) used to relieve anxiety and relax muscles. It works by enhancing the inhibitory actions of the neurotransmitter GABA (Gamma-Aminobutyric Acid, an amino acid that acts a neurotransmitter). It can also be used as an anticonvulsant drug in cases of nerve agent poisoning.

#### **FIRST CAUSE FOR DISCIPLINE**

(Obtain, Possess, or Self-Administer Controlled Substance)

14. Respondent has subjected his license to disciplinary action under Business and Professions Code section 2762(a) in that he committed unprofessional conduct when he obtained, possessed, and/or self-administered controlled substances. The circumstances are as follows:

15. On or about November 9, 2011, as part of his pre-employment paperwork with AMN Healthcare, Respondent completed and signed a "vaccine administration form" wherein he was asked to list any medications he was currently taking. Respondent listed "Imodium."

16. On or about November 17, 2011, Respondent tested positive for Benzodiazepines, Oxazepam, and Nordiazepam in his pre-employment drug screen with AMN Healthcare.

17. Respondent failed to return any telephone calls to AMN Healthcare to discuss his positive drug test results.

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25. Upon verification of the BLS, ACLS, and PALS cards, it was determined that the cards were falsified by Respondent.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 766039, issued to Andrew Douglas Steigert;

2. Ordering Andrew Douglas Steigert to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 25, 2012

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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association that offers such courses.

<sup>2</sup> Advanced cardiac life support (ACLS) is a systematic approach to providing care to victims who have suffered a cardiac arrest or from several other specific medical emergencies. ACLS is an extension of basic life support (BLS).

<sup>3</sup> PALS stands for pediatric advanced life support. The program was developed to equip health care professionals with the essential skills to effectively recognize and react to critical injuries or conditions in children and infants. The PALS course is available online and as a two-day class in many hospitals.